



**CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK  
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**JULY 27, 2015**

Regular meeting of the City Council held on Monday, JULY 27, 2015 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Ossing, Robey, Delano, Elder, Tunnera, Irish and Landers. Absent: Oram & Page. Meeting adjourned at 9:16 PM.

ORDERED: That the Minutes of the City Council meeting JULY 13, 2015, **FILE**; adopted.

ORDERED: That the MAPC Presentation of Draft Hazard Mitigation Plan to City Council, **FILE**; adopted.

President Clancy requested a recess at 8:18 PM and returned to open meeting at 8:21 PM; adopted.

ORDERED: That the **PUBLIC HEARING** On the Petition of Eversource Energy to install 1200' of 6" IP plastic gas main as a system improvement on Ames St. from Nickerson Rd. running Northwesterly to Reilly Way, Order No. 15-1006264, all were heard who wish to be heard, hearing recessed at 8:25 PM.

**Councilors Present: Ossing, Robey, Delano, Elder, Tunnera, Irish, Clancy & Landers.**

**Absent: Oram & Page**

ORDERED: That the **PUBLIC HEARING** On the Petition of NGrid to install 3" conduit and install new #2 AL cable throughout Miles Standish residential development along the route of the existing cable due to numerous cable failures, Order No. 15-1006263, all were heard who wish to be heard, hearing recessed at 8:40 PM.

**Councilors Present: Ossing, Robey, Delano, Elder, Tunnera, Irish, Clancy & Landers.**

**Absent: Oram & Page**

ORDERED: That Board of Health transfer request in the amount of \$30,483.00 which moves funds from Reserve for Salaries & Benefits to Nurse and Sick Leave Buy Back accounts to fund a retiring staff member’s sick leave buy back and unused vacation payout, **APPROVED**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
DEPT:		Board of Health				FISCAL YEAR:		2016		
FROM ACCOUNT:					TO ACCOUNT:					
Available									Available	
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance	
\$806,000.00	\$30,483.00	11990006	57820	Res for Salaries & Benefits	\$10,750.00	15120001	50390	Nurse	\$52,643.89	
				Vacation and sick leave buy back				Retirement		
					\$19,733.00	15120003	51920	Sick Leave Buy Back	\$2,470.00	
								Retirement		

ORDERED: That the Reappointment of Brian Doheny as Comptroller/Treasurer for a term of three years, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Appointment of David Morticelli to the Community Development Authority for a term of two years to expire from date of City Council approval, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Complete Streets Policy Proposal, refer to **PLANNING BOARD & LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, AUGUST 24, 2015** as **DATE FOR PUBLIC HEARING** On the Application for Special Permit from Attorney Gadbois on behalf of Charter Foods North, LLC, to operate a Taco Bell restaurant with a drive-thru facility at 773 Boston Post Rd. East, refer to **URBAN AFFAIRS COMMITTEE, AND ADVERTISE**; adopted.

ORDERED: That the Application for Site Plan Permit from Attorney Gadbois on behalf of Mammoth Development Company, LLC, to purchase property at 70 Simarano Dr. to construct and use the site as a day care center, refer to **URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: That the Application for Livery License, Jose Heredia, d/b/a Alex Transportation, 110 Boston Post Rd. East, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Mosquito Control Project re: investigating resident’s complaints about mosquitos on following dates: August 5, 12, 19, 26 and September 2, 2015, **FILE**; adopted.

ORDERED: That the Minutes, Cultural Council, December 8, 2014, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, May 18 & June 29, 2015, **FILE**; adopted.

ORDERED: That the following CLAIMS, refer to the **LEGAL DEPARTMENT**; adopted.

- a. Uranus Colaianni, 3 Lakeshore Dr., pothole or other road defect
- b. Beth Noyst, 68 Hudso St., pothole or other road defect
- c. Kristine Finocchiaro, 80 Andrews Rd., residential mailbox claim 2(a)
- d. Julia Carney, 248 Church St., pothole or other road defect
- e. Lee & Maryann Berte, 30 Boudreau Ave., other property damage

#### Reports of Committees:

Councilor Landers reported the following out of the Public Services Committee:

Meeting Name: City Council Public Services Committee

Date: July 21, 2015

Time: 5:00 PM

Location: City Council Chambers, 2<sup>nd</sup> Floor, City Hall, 140 Main Street

Convened: 5:02 PM

Adjourned: 5:28 PM

Present: Chairman Landers; Public Services Committee Members Councilors Clancy and Irish

**Order No. 15-1006246: Petition of NGrid and Verizon New England, Inc. to relocate/upgrade electric facilities along Farm Road due to road improvements.** David Terk, contractor for National Grid, appeared before the committee to discuss the petition for the relocation and installation of poles and supports along Farm Road. National Grid is to follow all guidelines and conditions as set forth by the City of Marlborough Engineering Department and City Engineer. **Motion made by Councilor Clancy, seconded by Chair, to approve the petition of National Grid. The motion carried 3-0. Motion made by Councilor Clancy, seconded by Councilor Irish, to request a suspension of the rules to have this voted on at the next regular City Council meeting. The motion carried 3-0.**

**Order No. 15-1006187: The Application for renewal of Junk Dealers/Second Hand License, Best Buy Stores, LP, d/b/a Best Buy Stores, LP #1966, 601 Donald Lynch Boulevard.** Police Chief Leonard had approved the CORI report for Sherein Khater, General Manager of Best Buy Store, LP #1966 and has no objection to the renewal of her Junk Dealers/Second Hand License. Ms. Khater explained they only accept phones in good working condition for trade-in and she requires the customer to perform a factory reset before acceptance of their device. If a phone is out of date with no value or in poor condition because of a cracked screen, they accept the item for recycling. **Motion made by Councilor Clancy, seconded by Chair, to approve the renewal of the Junk Dealers/Second Hand License for Best Buy Stores, LP, d/b/a Best Buy Stores, LP #1966, 601 Donald Lynch Boulevard. The motion carried 3-0. Motion made by Councilor Clancy, seconded by Councilor Irish, to request a suspension of the rules to have this voted on at the next regular City Council meeting. The motion carried 3-0.**

Reports of Committees cont'd:

**Order No. 15-1006265: Application for Renewal of Junk Dealer's License, Sergey Yeghiyan, CTC Gold and Diamond Refinery, 149 Main Street.** Police Chief Leonard had approved the CORI report for Yeghiyan Sergey of CTC Gold and Diamond Refinery and has no objection to the renewal of his Junk Dealers/Second Hand License. CTC Gold and Diamond Refinery had closed for a number of months but is reopening as a gift shop. They wish to keep the junk dealer's license for the convenience of their customers but it will not be a majority of their business. **Motion made by Councilor Clancy, seconded by Chair, to approve the renewal of the Junk Dealer's License for Sergey Yeghiyan of CTC Gold and Diamond Refinery. The motion carried 3-0. Motion made by Councilor Clancy, seconded by Councilor Irish, to request a suspension of the rules to have this voted on at the next regular City Council meeting. The motion carried 3-0.**

**Motion made by Councilor Clancy, seconded by Chair, to adjourn. The motion carried 3-0. The meeting adjourned at 5:28 PM.**

Councilor Robey reported the following out of the Legislative and Legal Affairs Committee:

City Council Legislative and Legal Affairs Committee  
Monday, July 20, 2015 – In Council Chambers  
Report

Present: Chairman Katie Robey, Councilor Delano, and Councilor Clancy. Also present were Councilors Irish and City Solicitor Don Rider and Mayor Vigeant. The meeting was called to order at 6:33 PM. The Committee met to discuss three items:

**First item was Council Order No.15-1006260A-That pursuant to Section 14 of Chapter 40 of General Laws of Massachusetts, the City does hereby accept title, by gift of deed of conveyance from Anne P. Mercer to a certain parcel of vacant land, located at 704 Robin Hill Street, also known and numbered as Map 39, Parcel 30 on the Assessors' Map of the City of Marlborough, said parcel containing .663 acres or 28,883 square feet, more or less, said deed to be recorded at the Middlesex County South Registry of Deeds.**

The committee was informed that although there had not been a formal 21E study, as it costs too much, there was a letter on file, dated June 21, 2015, from the property owner stating she wasn't aware of any issues on the property which is located in RR zoning and is non-buildable due to wetlands.

**Councilor Delano moved to accept title, by gift of deed of conveyance from Anne P. Mercer to a certain parcel of vacant land, located at 704 Robin Hill Street also known and numbered as Map 39, Parcel 30 on the Assessors' Map of the City of Marlborough, said parcel containing .663 acres or 28,883 square feet, more or less, said deed to be recorded at the Middlesex County South Registry of Deeds. The motion was seconded and carried 3-0.**

Reports of Committees cont'd:

**Second item was Council Order No.15-1006260B-That the City Council of the City of Marlborough, by a two-thirds vote pursuant to MGL C.40, s15A, hereby transfers to the Conservation Commission of the City of Marlborough for conservation purposes, including increasing open space, preserving vistas, providing wildlife habitat, and enabling future passive and active recreational opportunities, the care, custody, management and control of a certain parcel of vacant land, located at 704 Robin Hill Street, also known and numbered as Map 39, Parcel 30 on the Assessors' Map of the city of Marlborough, said parcel containing .663 acres or 28,883 square feet, more or less, pursuant to MGL C40, s8C.**

Councilor Clancy stated the Conservation Commission was always happy to gain more open space.

**Councilor Clancy moved the City Council transfer the property located at 704 Robin Hill Street, also known and numbered as Map 39, Parcel 30 on the Assessors' Map of the City of Marlborough, said parcel containing .663 acres or 28,883 square feet, more or less, to the Conservation Commission. The motion was seconded and carried 3-0. (requires 2/3 vote)**

The third item, Order No.15-1006251, decision for best way to proceed as to the vacated seat caused by the June 5, 2015 resignation of Councilor-at-Large Pope, was discussed and tabled in committee by a vote of 3-0.

Meeting adjourned: 7:10 PM.

Councilor Ossing reported the following out of the Finance Committee:

**Marlboro City Council Finance Committee  
Monday July 20, 2015  
In Council Chambers**

Present: Chairman Ossing; Finance Committee members Councilors Robey, Elder, Oram and Irish. Councilors Clancy and Landers were also in attendance.

The meeting convened at 7:12 PM.

**1. Order #15-1006254 – LFB Corporation Tax Increment Financing (TIF):** The FINCOM reviewed the Mayor's letter dated July 9, 2015 requesting the approval of the LFB Corporation Economic Development Incentive Program (EDIP) local incentive only application for a TIF. The FINCOM voted 5 - 0 to approve the following:

- The Economic Development Incentive Program Local Incentive Only application
- The TIF agreement
- The City Council resolution, and

The FINCOM requested the Solicitor place the LFB Corporation TIF in proper format for the August 24, 2015 City Council meeting.

The FINCOM adjourned at 8:13 PM.

## Reports of Committees cont'd:

Councilor Tunnera reported the following out of the Personnel Committee:

Meeting Name: City Council Personnel Committee

Date: July 20, 2015

Time: 5:30 PM

Location: City Council Chamber, 2<sup>nd</sup> Floor, City Hall, 140 Main Street

Convened: 5:32 PM

Adjourned: 6:25 PM

Present: Chairman Tunnera; Personnel Committee Members Councilors Elder and Irish; Councilors Clancy, Delano, Landers and Robey

Also Present: Mayor Arthur Vigeant

**Order No. 15-1006256: The Reappointment of Ron Saloman to the Board of Registrars for a term to expire three years from date of City Council approval.** Recommendation of the Personnel Committee is to approve the reappointment of Ron Saloman to the Board of Registrars. **Motion made by Councilor Elder, seconded by Councilor Irish to approve the reappointment. The motion carried 3-0.**

**Order No. 15-1006257: The Reappointments of Kim Beauchemin, James David Elmore and Sandra Pirie-St. Amour to the Arts Lottery Council for terms to expire three years from effective date of August 24, 2015.** Recommendation of the Personnel Committee is to approve the reappointments of Kim Beauchemin, Sandra Pirie-St. Amour, and James David Elmore to the Marlborough Cultural Council. **Motion made by Councilor Elder, seconded by Councilor Irish to approve the reappointments. The motion carried 3-0.**

**Order No. 15-1006258: The Appointment of Stephanie Ferrecchia to the Community Development Authority (CDA) for a term to expire three years from date of City Council approval.** Recommendation of the Personnel Committee is to approve the appointment of Stephanie Ferrecchia to the Community Development Authority (CDA). **Motion made by Councilor Elder, seconded by Chair to approve the appointment. The motion carried 3-0.**

**Order No. 15-1006255: The Appointment of Kevin Breen as the new Fire Chief.** Recommendation of the Personnel Committee is to approve the appointment of Kevin Breen as the Fire Chief. **Motion made by Councilor Elder, seconded by Chair to approve the appointment. The motion carried 3-0.**

**Motion made by Councilor Elder, seconded by Chair, to adjourn. The motion carried 3-0. The meeting adjourned at 6:25 PM.**

## Reports of Committees cont'd:

Councilor Delano reported the following out of the Urban Affairs Committee:

Meeting Name: City Council Urban Affairs Committee

Date: July 21, 2015

Time: 5:30 PM

Location: City Council Chambers, 2<sup>nd</sup> Floor, City Hall, 140 Main Street

Convened: 5:30 PM

Adjourned: 6:19 PM

Present: Chairman Delano; Urban Affairs Committee Members Councilors Clancy, Landers, and Tunnera; Councilors Elder, Irish, and Robey

Absent: Councilor Page

Also Present: Arthur Bergeron, Attorney, **Mirick O'Connell**

**Order No. 15-1006261: Communication from Attorney Bergeron of Mirick O'Connell re: Overlook at Lake Williams: Application for Payment in Lieu of Affordable Housing.**

Attorney Arthur Bergeron of Mirick O'Connell appeared before the committee on behalf of his clients, Richard Roper and Duke Pointer, of Crabtree Lake Williams LLC, to request payment to the City in lieu of designating units as affordable housing. The committee **agreed with the \$50,000 per unit as an acceptable amount for payment in lieu of affordable housing and the placement of payments from the developer into the economic development fund. The committee amended condition one of the agreement to "1. The payment will be made in three (3) installments of \$150,000 each to the Economic Development account."**

**Motion made by Councilor Clancy, seconded by Chair, to approve as amended. The motion carried 4-0.**

**Motion made by Councilor Clancy, seconded by Chair, to request a suspension of the rules at the next regular City Council meeting to act upon it that evening. The motion carried 4-0.**

**Motion made by Councilor Clancy, seconded by Chair, to adjourn. The motion carried 4-0. The meeting adjourned at 6:19 PM.**

**Suspension of the Rules requested-granted**

ORDERED: That, by majority vote taken under Section 650-26.A(1)(a) of the affordable housing zoning ordinance, as amended on June 1, 2015 in Order No. 15-1006130B, the City Council for the City of Marlborough does hereby approve an application submitted by Crabtree Lake Williams, LLC (“Crabtree”) for payments in lieu of constructing affordable housing regarding Crabtree’s 60-unit condominium development along Lakeside Avenue, provided that:

1. Crabtree shall make payments in three (3) installments of \$150,000 each to be deposited into the general fund for subsequent appropriation to a downtown economic development fund, a stabilization account to be created by the Mayor and the Council;
2. Crabtree shall make the first installment payment within thirty (30) days of the date of this Council vote approving Crabtree’s application;
3. Crabtree shall make the second installment payment within six (6) months of the date of said Council vote; and
4. Crabtree shall make the third installment payment within twelve (12) months of the date of said Council vote.

**APPROVED;** adopted

**Council Elder requested to be recorded in opposition.**

**Suspension of the Rules requested-granted**

ORDERED: That the LFB TIF, refer to **CITY SOLICITOR TO PLACE IN PROPER LEGAL FORM FOR THE AUGUST 24, 2015 CITY COUNCIL MEETING;** adopted.

**Suspension of the Rules requested-granted**

ORDERED: That Petition of NGrid and Verizon New England, Inc. to relocate/upgrade electric facilities along Farm Road due to road improvements, **APPROVED WITH FOLLOWING CONDITIONS:**

1. A street opening permit must be applied for by the proposed contractor performing the work.
2. A proper staging area is to be located/acquired before work commences – material and equipment is not to be parked/stockpiled within the city right of way.
3. The contractor is to ensure residents are always able to enter and exit their driveways (have necessary steel plating on site and accessible).
4. Ensure construction safety controls are established (signage, drums, police details, etc...) and are in accordance with the latest MUTCD standards.
5. Trench backfilling, compacting, temporary, and final paving are to be done in accordance with the City of Marlborough standard trenching details.
6. Trenches are to be paved or completely backfilled and compacted at the end of each work day. Trenches are never to be left unattended.
7. Post construction loaming and seeding are to be done in accordance with the 1995 MHD Standard Specifications sections 751 & 765.
8. Proposed utility pole(s) shall not put any sidewalks or sidewalk ramps into non-compliance with current ADA standards.

**ADOPTED****Suspension of the Rules requested-granted**

ORDERED: That the Application for renewal of Junk Dealers/Second Hand License, Best Buy Stores, LP, d/b/a Best Buy Stores, LP #1966, 601 Donald Lynch Blvd, **APPROVED**; adopted.

**Suspension of the Rules requested-granted**

ORDERED: That the Application for Renewal of Junk Dealer's License, Yeghiyan Sergey, CTC Gold and Diamond Refinery, **APPROVED**; adopted.

**Suspension of the Rules requested-granted**

ORDERED: That the Appointment of Stephanie Ferrecchia to the Community Development Authority (CDA) for a term to expire three years from date of City Council approval, **APPROVED**; adopted.

**Suspension of the Rules requested-granted**

ORDERED: That the Appointment of Kevin Breen as the new Fire Chief for a five year term, **APPROVED**; adopted.

**Suspension of the Rules requested-granted**

ORDERED: To allow the Mayor to speak regarding the Municipal Aggregation Plan, **APPROVED**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:16 PM.